IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5334 OF 2006
IN
FIRST APPEAL NO.124 OF 2007

Shri Govindrao Vitthalrao Shinde ...Applicant

Versus

Shri Shankar Shrirang Thorat ...Respondent

Shri R.V.Bansode for the Applicant.

CORAM : A. S. OKA, J.

DATE : JANUARY 16, 2007.

P.C.:

1. Rule returnable on 09th March, 2007.

2. Advocate for the Applicant states that entire amount due and payable under the impugned Judgment and Order has been deposited with the Commissioner of Workmen's Compensation. The Respondent will have to be permitted to withdraw a reasonable amount.

3. Hence, there will be ad-interim relief in terms of prayer clause (b) till further orders.

4. The Respondent will be entitled to withdraw a sum of Rs.25,000/- without security subject to the

Respondent filing an undertaking before the learned Commissioner for Workmen’s Compensation to redeposit the said amount with appropriate rate of interest in case the Applicant succeeds in the Appeal.

5. The balance amount deposited by the Applicant shall be permitted to be withdrawn by the Respondent subject to Respondent furnishing adequate security for the said amount. The learned Commissioner for Workmen’s Compensation will hear the Applicant before accepting the security.

6. If within a period of six months from the date of receipt of writ of this order, the balance amount is not withdrawn by the Respondent on furnishing security, the learned Commissioner for Workmen’s Compensation will invest the said amount in fixed deposit in any nationalised bank initially for a period of three years and fixed deposit shall be renewed from year to year till the final disposal of the Appeal.

JUDGE